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HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4348 OF 2007.

M/s. Atlas Transport Company. ..Petitioners.
Versus.
State of Maharashtra and Anr. ..Respondents.

Mr. Y. S. Jahagirdar with Uday Warunjikar for the petitioners.
Mr. S. G. Aney with V. P. Malvankar, AGP for the respondent - State.
Mr. N. V. Walawalkar with Prashant Kulkarni and Amol Sawant for respondent No.4.
Mr. Priydarshan Madkholkar with A. R. Patil for respondent no.3.

CORAM: S. B. MHASE &
S. R. SATHE,JJ.
DATE: JULY 2, 2007.

P.C.

1. Heard. Learned counsel for the petitioner Mr. Y. S. Jahagirdar states that he may be allowed to withdraw this petition with a liberty to file it before the Aurangabad and/or Nagpur Bench. He also submits that the ad-interim relief which has been granted by this Court on June 6, 2007 shall be continued for a period of four weeks. Mr. S. G. Anye learned counsel for the State - respondent nos. 1 & 2 states that he has no objection for allowing the petition to be withdrawn with a liberty as prayed for. However he submits that the ad-interim order is adversely affecting the State as the public distribution system is affected since the contracts pertain to the transport of the subsidised food - grains / articles. Learned counsel Mr. N. V. Walawalkar appearing for the

respondent no.4 states that before passing order dated 6th June 2007, on 2nd June 2007 itself the contract has been allotted to Raj Transport and Company, and therefore the order dated 6th June 2007 is not applicable to them. However, he states that he has no objection for withdrawing the petition so as to file it before the appropriate bench. Mr. P. C. Madkholkar who appears for the respondent no.3 submits that he has no objection for withdrawing the petition and filing it before the appropriate bench. However he has no objection to the continuation of the interim relief since his contract is not being finalised because of the order dated 6th June 2007. However, all the respondents press for the cost in the peculiar facts and circumstances of the case. Under these circumstances, we pass the following order.

: O R D E R :

(a) Leave to withdraw the petition is hereby granted with a liberty to file this petition before the appropriate bench, namely, the Aurngabad and/or Nagpur Bench.

(b) So far as the interim relief is concerned, the interim relief shall continue for a period of two weeks only.

(c) Prayer for the cost is rejected.

(d) Petition accordingly stands disposed of.

(S.R.SATHE,J.) **(S.B.MHASE, J.)**

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